

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-30044-MAP
)	
)	
JOSE CRUZ,)	
Defendant.)	

THE GOVERNMENT'S AND THE DEFENDANTS' STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, Attorney Kevin Murphy, counsel for the Defendant, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written orders.

1. The Government has provided, made available, or promised to provide, all of its discoverable information.
2. The parties do not anticipate additional discovery as the result of future receipt of information.
3. The defendants do not intend to raise a defense of insanity or public authority.
4. The Defendant does not intend to offer an alibi.
5. The Defendant has not yet filed but may file, a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).
6. The parties request this Court to set a date for a

further status. Attorney Murphy needs additional time to review the audio and video recordings with the Defendant, and to prepare any necessary pretrial motions. In light of the above, the parties request a further status date. The parties also request this court exclude the time from August 30, 2005 through the next hearing date (to be scheduled on October 11, 2005) from the Speedy Trial Act in the interests of justice pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1),(2), and (3).

7. The parties have discussed resolving this case short of trial. It is premature to notify the Court as to whether the Defendant will change his plea.

8. In the event that a trial is necessary the trial will last approximately 4 days.

9. A date convenient with the Court should be established for a final status conference.

Filed this 7th day of October, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

/s/ Kevin Murphy
Attorney Kevin Murphy
Counsel for Jose Cruz